

By: Simmons, Pickett, et al.

H.B. No. 3995

Substitute the following for H.B. No. 3995:

By: Morrison

C.S.H.B. No. 3995

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of regular mandatory vehicle safety inspections and the imposition of replacement fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 382.0622(a), Health and Safety Code, is amended to read as follows:

(a) Clean Air Act fees consist of:

(1) fees collected by the commission under Sections 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided by law;

(2) [~~\$2 from the portion of~~] each fee collected under Section 502.360 [~~for inspections of vehicles other than mopeds and remitted to the state under Sections 548.501 and 548.503~~], Transportation Code; and

(3) fees collected that are required under Section 185 of the federal Clean Air Act (42 U.S.C. Section 7511d).

SECTION 2. Section 382.202, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (e-1) to read as follows:

(d) On adoption of a resolution by the commission and after proper notice, the Department of Public Safety of the State of Texas shall implement a system that requires, [~~as a condition of obtaining a passing vehicle inspection report issued under Subchapter C, Chapter 548, Transportation Code,~~] in a county that

1 is included in a vehicle emissions inspection and maintenance
2 program under Subchapter F, Chapter 548, Transportation Code [~~of~~
3 ~~that chapter~~], that a motor vehicle registered in this state [~~the~~
4 ~~vehicle~~], unless the vehicle is not covered by the system, be
5 annually or biennially inspected under the vehicle emissions
6 inspection and maintenance program as required by the state's air
7 quality state implementation plan. The Department of Public Safety
8 shall implement such a system when it is required by any provision
9 of federal or state law, including any provision of the state's air
10 quality state implementation plan.

11 (e-1) The portion of a fee imposed under Subsection (e) that
12 is not authorized to be retained by an inspection station must be
13 collected as provided by Section 502.361.

14 SECTION 3. Section 382.203(c), Health and Safety Code, is
15 amended to read as follows:

16 (c) The Department of Public Safety of the State of Texas by
17 rule may waive program requirements, in accordance with standards
18 adopted by the commission, for certain vehicles and vehicle owners,
19 including:

20 (1) the registered owner of a vehicle who cannot
21 afford to comply with the program, based on reasonable income
22 standards;

23 (2) a vehicle that cannot be brought into compliance
24 with emissions standards by performing repairs;

25 (3) a vehicle:

26 (A) on which at least \$100 has been spent to bring
27 the vehicle into compliance; and

1 (B) that the department[+
2 [(i)] can verify is driven an average of
3 fewer than 5,000 miles each year [~~was driven fewer than 5,000 miles~~
4 ~~since the last safety inspection; and~~
5 [(ii)] ~~reasonably determines will be driven~~
6 ~~fewer than 5,000 miles during the period before the next safety~~
7 ~~inspection is required~~]; and
8 (4) a vehicle for which parts are not readily
9 available.

10 SECTION 4. Section 386.251(c), Health and Safety Code, is
11 amended to read as follows:

12 (c) The fund consists of:

13 (1) the amount of money deposited to the credit of the
14 fund under:

15 (A) Section 386.056;

16 (B) Sections 151.0515 and 152.0215, Tax Code; and

17 (C) Sections 501.138 and [7] 502.358 [~~7~~ and
18 ~~548.5055~~], Transportation Code; and

19 (2) grant money recaptured under Section 386.111(d)
20 and Chapter 391.

21 SECTION 5. Section 502.092(c), Transportation Code, is
22 amended to read as follows:

23 (c) A person may obtain a permit under this section by:

24 (1) applying to the department in a manner prescribed
25 by the department;

26 (2) paying a fee equal to 1/12 the registration fee
27 prescribed by this chapter for the vehicle;

1 (3) furnishing satisfactory evidence that the motor
2 vehicle is insured under an insurance policy that complies with
3 Section 601.072 and that is written by:

4 (A) an insurance company or surety company
5 authorized to write motor vehicle liability insurance in this
6 state; or

7 (B) with the department's approval, a surplus
8 lines insurer that meets the requirements of Chapter 981, Insurance
9 Code, and rules adopted by the commissioner of insurance under that
10 chapter, if the applicant is unable to obtain insurance from an
11 insurer described by Paragraph (A); and

12 (4) furnishing evidence that the vehicle has been
13 inspected if [~~as~~] required under Chapter 548.

14 SECTION 6. Section 502.094(e), Transportation Code, is
15 amended to read as follows:

16 (e) A vehicle issued a permit under this section is subject
17 to [~~Subchapters B and F,~~] Chapter 548, unless the vehicle:

18 (1) is registered in another state of the United
19 States, in a province of Canada, or in a state of the United Mexican
20 States; or

21 (2) is mobile drilling or servicing equipment used in
22 the production of gas, crude petroleum, or oil, including a mobile
23 crane or hoisting equipment, mobile lift equipment, forklift, or
24 tug.

25 SECTION 7. Section 502.146(d), Transportation Code, is
26 amended to read as follows:

27 (d) A vehicle described by Subsection (b) is exempt from the

1 inspection requirements of Subchapter [~~Subchapters B and~~] F,
2 Chapter 548.

3 SECTION 8. Subchapter G, Chapter 502, Transportation Code,
4 is amended by adding Sections 502.360 and 502.361 to read as
5 follows:

6 Sec. 502.360. INSPECTION PROGRAM REPLACEMENT FEES. (a) In
7 addition to other fees imposed at the time of registration of a
8 motor vehicle, at the time of application for registration or
9 renewal of registration of a motor vehicle, the applicant shall pay
10 an annual fee of:

11 (1) \$9.25 for a noncommercial motor vehicle that:

12 (A) is sold in this state or purchased by a
13 commercial fleet buyer described by Section 501.0234(b)(4) for use
14 in this state;

15 (B) has not been previously registered in this or
16 another state; and

17 (C) on the date of sale is of the current model
18 year or preceding model year;

19 (2) \$5.50 for a noncommercial motor vehicle that is
20 not a vehicle described by Subdivision (1); and

21 (3) \$20 for a commercial motor vehicle.

22 (b) The department or the county tax assessor-collector, as
23 applicable, shall remit the fee collected under Subsection (a) to
24 the comptroller at the time and in the manner prescribed by the
25 comptroller.

26 (c) The comptroller shall deposit fees received under
27 Subsection (a)(1) to the credit of the Texas mobility fund.

1 (d) Out of fees received under Subsection (a)(2), the
2 comptroller shall deposit:

3 (1) \$1.85 of each fee to the credit of the clean air
4 account;

5 (2) 15 cents of each fee to the credit of the state
6 highway fund to be used only by the Texas Department of
7 Transportation for safety initiatives; and

8 (3) the remainder of each fee to the credit of the
9 Texas mobility fund.

10 (e) Out of fees received under Subsection (a)(3), the
11 comptroller shall deposit:

12 (1) \$10 of each fee to the credit of the Texas mobility
13 fund; and

14 (2) \$10 of each fee to the credit of the Texas
15 emissions reduction plan fund.

16 Sec. 502.361. COLLECTION OF EMISSIONS-RELATED INSPECTION
17 FEE. The department or a county tax assessor-collector, as
18 applicable, that registers a motor vehicle that is subject to an
19 emissions-related inspection fee under Section 382.202, Health and
20 Safety Code, or Section 548.505 of this code shall collect the fee
21 at the time of registration of the motor vehicle. The department or
22 county tax assessor-collector shall remit the fee to the
23 comptroller at the time and in the manner prescribed by the
24 comptroller.

25 SECTION 9. Section 545.352(b), Transportation Code, is
26 amended to read as follows:

27 (b) Unless a special hazard exists that requires a slower

1 speed for compliance with Section 545.351(b), the following speeds
2 are lawful:

3 (1) 30 miles per hour in an urban district on a street
4 other than an alley and 15 miles per hour in an alley;

5 (2) except as provided by Subdivision (4), 70 miles
6 per hour on a highway numbered by this state or the United States
7 outside an urban district, including a farm-to-market or
8 ranch-to-market road;

9 (3) except as provided by Subdivision (4), 60 miles
10 per hour on a highway that is outside an urban district and not a
11 highway numbered by this state or the United States;

12 (4) outside an urban district:

13 (A) 60 miles per hour if the vehicle is a school
14 bus that ~~[has passed a commercial motor vehicle inspection under~~
15 ~~Section 548.201 and]~~ is on a highway numbered by the United States
16 or this state, including a farm-to-market road; or

17 (B) 50 miles per hour if the vehicle is a school
18 bus that [+

19 ~~[(i) has not passed a commercial motor~~
20 ~~vehicle inspection under Section 548.201, or~~

21 ~~[(ii)]~~ is traveling on a highway not
22 numbered by the United States or this state;

23 (5) on a beach, 15 miles per hour; or

24 (6) on a county road adjacent to a public beach, 15
25 miles per hour, if declared by the commissioners court of the
26 county.

27 SECTION 10. Section 547.601, Transportation Code, is

1 amended to read as follows:

2 Sec. 547.601. SAFETY BELTS REQUIRED. A motor vehicle
3 [~~required by Chapter 548 to be inspected~~] shall be equipped with
4 front safety belts if safety belt anchorages were part of the
5 manufacturer's original equipment on the vehicle.

6 SECTION 11. The heading to Chapter 548, Transportation
7 Code, is amended to read as follows:

8 CHAPTER 548. [~~COMPULSORY~~] INSPECTION OF VEHICLES

9 SECTION 12. Section 548.001(10), Transportation Code, is
10 amended to read as follows:

11 (10) "Vehicle inspection report" means a report issued
12 by an inspector or an inspection station for a vehicle that
13 indicates whether the vehicle has passed an [~~the safety and, if~~
14 ~~applicable,~~] emissions inspection [~~inspections~~] required by this
15 chapter.

16 SECTION 13. Section 548.005, Transportation Code, is
17 amended to read as follows:

18 Sec. 548.005. INSPECTION ONLY BY CERTAIN [~~STATE-CERTIFIED~~
19 ~~AND SUPERVISED~~] INSPECTION STATIONS [~~STATION~~]. A compulsory
20 inspection under this chapter may be made only by an inspection
21 station, except that the department may:

22 (1) permit inspection to be made by an inspector under
23 terms and conditions the department prescribes;

24 (2) authorize the acceptance in this state of a
25 certificate of inspection and approval issued in another state
26 having a similar inspection law; [~~and~~]

27 (3) authorize the acceptance in this state of a

1 certificate of inspection and approval issued in compliance with 49
2 C.F.R. Part 396 to a motor bus, as defined by Section 502.001, that
3 is registered in this state but is not domiciled in this state; and

4 (4) authorize the acceptance in this state of a
5 certificate of inspection and approval issued:

6 (A) by an inspector qualified under 49 C.F.R.
7 Part 396 acting as an employee or authorized agent of the owner of a
8 commercial fleet, as defined in Section 502.001; and

9 (B) to a commercial motor vehicle that is:

10 (i) part of the fleet; and

11 (ii) registered in this state.

12 SECTION 14. Section 548.006(b), Transportation Code, is
13 amended to read as follows:

14 (b) The members of the commission shall appoint seven
15 members of the committee as follows:

16 (1) four persons to represent inspection station
17 owners and operators [~~with two of those persons from counties~~
18 ~~conducting vehicle emissions testing under Subchapter F and two of~~
19 ~~those persons from counties conducting safety only inspections];~~

20 (2) one person to represent manufacturers of motor
21 vehicle emissions inspection devices;

22 (3) one person to represent independent vehicle
23 equipment repair technicians; and

24 (4) one person to represent the public interest.

25 SECTION 15. Section 548.052, Transportation Code, is
26 transferred to Subchapter K, Chapter 547, Transportation Code,
27 redesignated as Section 547.6011, Transportation Code, and amended

1 to read as follows:

2 Sec. 547.6011 [~~548.052~~]. VEHICLES NOT REQUIRED TO BE
3 EQUIPPED WITH SAFETY BELTS [~~SUBJECT TO INSPECTION~~]. Section
4 547.601 [~~This chapter~~] does not apply to:

5 (1) a trailer, semitrailer, pole trailer, or mobile
6 home moving under or bearing a current factory-delivery license
7 plate or current in-transit license plate;

8 (2) a vehicle moving under or bearing a paper dealer
9 in-transit tag, machinery license, disaster license, parade
10 license, prorated tab, one-trip permit, vehicle temporary transit
11 permit, antique license, custom vehicle license, street rod
12 license, temporary 24-hour permit, or permit license;

13 (3) a trailer, semitrailer, pole trailer, or mobile
14 home having an actual gross weight or registered gross weight of
15 4,500 pounds or less;

16 (4) farm machinery, road-building equipment, a farm
17 trailer, or a vehicle required to display a slow-moving-vehicle
18 emblem under Section 547.703;

19 (5) a former military vehicle, as defined by Section
20 504.502;

21 (6) a vehicle qualified for a tax exemption under
22 Section 152.092, Tax Code; or

23 (7) a vehicle for which a certificate of title has been
24 issued but that is not required to be registered.

25 SECTION 16. Section 548.053, Transportation Code, is
26 transferred to Subchapter E, Chapter 548, Transportation Code,
27 redesignated as Section 548.255, Transportation Code, and amended

1 to read as follows:

2 Sec. 548.255 [~~548.053~~]. REINSPECTION OF VEHICLE REQUIRING
3 ADJUSTMENT, CORRECTION, OR REPAIR. [~~(a)~~] If an inspection
4 discloses the necessity for adjustment, correction, or repair, an
5 inspection station or inspector may not issue a passing vehicle
6 inspection report until the adjustment, correction, or repair is
7 made. The owner of the vehicle may have the adjustment, correction,
8 or repair made by a qualified person of the owner's choice, subject
9 to reinspection. The vehicle shall be reinspected once free of
10 charge within 15 days after the date of the original inspection, not
11 including the date the original inspection is made, at the same
12 inspection station after the adjustment, correction, or repair is
13 made.

14 ~~[(b) A vehicle that is inspected and is subsequently
15 involved in an accident affecting the safe operation of an item of
16 inspection must be reinspected following repair. The reinspection
17 must be at an inspection station and shall be treated and charged as
18 an initial inspection.]~~

19 SECTION 17. Section 548.105, Transportation Code, is
20 transferred to Subchapter E, Chapter 548, Transportation Code, and
21 redesignated as Section 548.2521, Transportation Code, to read as
22 follows:

23 Sec. 548.2521 [~~548.105~~]. EVIDENCE OF FINANCIAL
24 RESPONSIBILITY AS PREREQUISITE TO ISSUANCE OF PASSING VEHICLE
25 INSPECTION REPORT. (a) An inspection station or inspector may not
26 issue a passing vehicle inspection report for a vehicle unless the
27 owner or operator furnishes evidence of financial responsibility at

1 the time of inspection. Evidence of financial responsibility may
2 be shown in the manner specified under Section 601.053(a). A
3 personal automobile insurance policy used as evidence of financial
4 responsibility must be written for a term of 30 days or more as
5 required by Section 1952.054, Insurance Code.

6 (b) An inspection station is not liable to a person,
7 including a third party, for issuing a passing vehicle inspection
8 report in reliance on evidence of financial responsibility
9 furnished to the station. An inspection station that is the seller
10 of a motor vehicle may rely on an oral insurance binder.

11 SECTION 18. Section 548.201, Transportation Code, is
12 amended to read as follows:

13 Sec. 548.201. COMMERCIAL MOTOR VEHICLE INSPECTION PROGRAM.
14 [~~(a)~~] The commission may [~~shall~~] establish an inspection program
15 for commercial motor vehicles only if necessary to comply with
16 [~~that:~~

17 [~~(1) meets~~] the requirements of federal motor carrier
18 safety regulations [~~, and~~

19 [~~(2) requires a commercial motor vehicle registered in~~
20 ~~this state to pass an annual inspection of all safety equipment~~
21 ~~required by the federal motor carrier safety regulations].~~

22 [(~~b~~) ~~A program under this section also applies to any:~~

23 [~~(1) vehicle or combination of vehicles with a gross~~
24 ~~weight rating of more than 10,000 pounds that is operated in~~
25 ~~interstate commerce and registered in this state,~~

26 [~~(2) school activity bus, as defined in Section~~
27 ~~541.201, that has a gross weight, registered weight, or gross~~

1 ~~weight rating of more than 26,000 pounds, or is designed to~~
2 ~~transport more than 15 passengers, including the driver; and~~
3 ~~(3) school bus that will operate at a speed~~
4 ~~authorized by Section 545.352(b)(5)(A).]~~

5 SECTION 19. Subchapter E, Chapter 548, Transportation Code,
6 is amended by adding Section 548.257 to read as follows:

7 Sec. 548.257. TIMING OF INSPECTION FOR REGISTRATION-BASED
8 ENFORCEMENT. The commission shall require a vehicle required to be
9 inspected under this chapter to pass the required inspection:

10 (1) not earlier than 90 days before the date of
11 expiration of the vehicle's registration; or

12 (2) if the vehicle is a used motor vehicle sold by a
13 dealer, as defined by Section 503.001, in the 180 days preceding the
14 date the dealer sells the vehicle.

15 SECTION 20. Section 548.505, Transportation Code, is
16 amended to read as follows:

17 Sec. 548.505. EMISSIONS-RELATED INSPECTION FEE. (a) The
18 department by rule may impose an inspection fee for a vehicle
19 inspected under Section 548.301(a) in addition to a fee adopted
20 under Section 382.202, Health and Safety Code [~~the fee provided by~~
21 ~~Section 548.501, 548.502, 548.503, or 548.504~~]. A fee imposed
22 under this subsection must be based on the costs of:

23 (1) providing inspections; and

24 (2) administering the program.

25 (b) A fee described by Subsection (a) must be collected as
26 provided by Section 502.361. [~~The department may provide a maximum~~
27 ~~fee for an inspection under this subchapter. The department may not~~

1 ~~set a minimum fee for an inspection under this subchapter.]~~

2 SECTION 21. Section 548.603(a), Transportation Code, is
3 amended to read as follows:

4 (a) A person commits an offense if the person:

5 (1) presents to an official of this state or a
6 political subdivision of this state a vehicle inspection report or
7 insurance document knowing that the report or document is
8 counterfeit, tampered with, altered, fictitious, issued for
9 another vehicle, issued for a vehicle failing to meet all emissions
10 inspection requirements, or issued in violation of:

11 (A) this chapter, rules adopted under this
12 chapter, or other law of this state; or

13 (B) a law of another state, the United States,
14 the United Mexican States, a state of the United Mexican States,
15 Canada, or a province of Canada; or

16 (2) ~~[with intent to circumvent the emissions~~
17 ~~inspection requirements seeks an inspection of a vehicle at a~~
18 ~~station not certified to perform an emissions inspection if the~~
19 ~~person knows that the vehicle is required to be inspected under~~
20 ~~Section 548.301, or~~

21 ~~[(3)]~~ knowingly does not comply with an emissions
22 inspection requirement for a vehicle.

23 SECTION 22. Section 548.604(a), Transportation Code, is
24 amended to read as follows:

25 (a) A person commits an offense if the person operates or
26 moves a motor vehicle, trailer, semitrailer, pole trailer, or
27 mobile home, or a combination of those vehicles, that is[+]

1 ~~[(1)]~~ equipped in violation of this chapter or a rule
2 adopted under this chapter~~[, or~~
3 ~~[(2) in a mechanical condition that endangers a person,~~
4 ~~including the operator or an occupant, or property].~~

5 SECTION 23. The following provisions of the Transportation
6 Code are repealed:

- 7 (1) the heading to Subchapter B, Chapter 548;
- 8 (2) Section 548.051;
- 9 (3) the heading to Subchapter C, Chapter 548;
- 10 (4) Sections 548.101, 548.102, 548.103, and 548.104;
- 11 (5) Sections 548.202 and 548.203;
- 12 (6) Sections 548.301(d) and 548.3045(b); and
- 13 (7) Sections 548.501, 548.502, 548.503, 548.504,
14 548.5055, 548.508, and 548.509.

15 SECTION 24. Not later than March 1, 2019, the Department of
16 Public Safety shall submit to the lieutenant governor and the
17 speaker of the house of representatives a report on changes in the
18 department's expenses and income that result from implementing the
19 changes in law required by this Act, including the increase or
20 decrease, if any, of the number of full-time equivalent employees
21 needed to administer Chapters 547 and 548, Transportation Code,
22 between September 1, 2017, and the date the report is prepared.

23 SECTION 25. The change in law made by this Act applies only
24 to an offense committed on or after the effective date of this Act.
25 An offense committed before the effective date of this Act is
26 governed by the law in effect on the date the offense was committed,
27 and the former law is continued in effect for that purpose. For

1 purposes of this section, an offense was committed before the
2 effective date of this Act if any element of the offense occurred
3 before that date.

4 SECTION 26. This Act takes effect March 1, 2018.